

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-13 and 15-28 are pending in the application. Claims 1, 8, 15, 16, 19, 20, and 25 are independent.

Applicants have added new dependent Claims 26-28 to afford themselves a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification and are believed to be allowable for the reasons to be developed below.

All claim amendments made herein are made for purposes of clarity with respect to the specification and drawings, and not in response to any statutory requirement for patentability.

Claims 1-25 stand rejected as being unpatentable over Hall and Knuutila, for the reasons discussed on pages 2-9 of the Office Action. Applicant respectfully traverses all art rejections.

Each of the independent claims recites a novel combination of structure and/or function whereby, *inter alia*, a foldback event message is transmitted from the subscriber station and/or received by the base station. There is no such foldback message in Hall (or in any of the other cited

art). It appears that the Examiner has erroneously equated the claimed foldback message with references in Hall to messages sent to the base station indicating "communication mode quality". Communication mode quality is defined in Hall as the excess of power margin over power margin requirement for the current communication mode (see Figs. 3 and 4; and Col. 7, lines 6-39).

It is difficult to see how this relates to incidents of foldback. In particular, according to the present invention, a foldback incident occurs when the foldback circuit operates to limit uplink transmit power (when P_{current} tries to exceed P_{max}). On the other hand there is no such circuit in Hall. Rather, Hall merely determines "quality" by subtracting the predetermined power margin requirement from the actual power margin ($P_{\text{max}} - P_{\text{current}}$). There is no disclosure in Hall of any circuit that operates to limit uplink transmit power or any message which is generated and/or received upon such operation of such a circuit. See paragraphs [0003] and [0035] of the subject published application:

As known to those of skill in the art, specialized circuitry in the subscriber station's power amplifier, typically referred to as "foldback circuitry", is often employed to limit outputted power and prevent the subscriber station from

transmitting over-specification and/or outside of regulatory limits.

Power amplifier 76 includes foldback circuitry 80 that monitors a current in power amplifier 76 indicative of the actual uplink transmit power provided to antenna 60, referred to hereinafter as the "monitored current". Foldback circuitry 80 operates to limit the monitored current to prevent power amplifier 76 from being driven over specification and/or outside regulatory limits. When foldback circuitry 80 operates to limit the monitored current, power amplifier 76 is referred to as being in a foldback condition. A foldback condition indicates that subscriber station 28 is at its maximum uplink transmit power and, as such, has no available uplink transmit power.

In fact, there is no reference to foldback in Hall. Nor is there any mention in Hall of sending any messages from the subscriber station to the base station indicating that the amplifier's power has been limited by any foldback circuit.

Accordingly, the salient claimed features of the present invention are nowhere disclosed by the cited art, whether that art is taken individually or in combination.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should be directed to our address given below.

Respectfully submitted,

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